

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
Winnebago Agency
Winnebago, Nebraska

CENSUS CERTIFICATE

I hereby certify that NOEMAN CROOKS
is listed on the OFFICIAL Santee Sioux Tribal
Census Roll, dated JANUARY 1, 1940
an official record of this office, as being of 4/4
degree Santee Sioux Indian blood, and with the Roll No. 178
Date of Birth: 1917 (no month or day given)

Father: NOT GIVEN
Mother: ELLEN F. CROOKS () are shown to be the parents of
NOEMAN CROOKS

THIS IS NOT A BIRTH CERTIFICATE BUT IS A RECORD OF THE INFORMATION
REFLECTED ON THE WINNEBAGO AGENCY CENSUS RECORDS.

(Sgd.) G. R. Branchaud
ACTING Superintendent

MAY 6, 1969
Date



INDIAN LAND CERTIFICATE

No. 54

TO ALL WHOM IT MAY CONCERN:

It is hereby certified that Norman Melvin Crooks, a member of the Mdewakanton band of Sioux Indians residing in Minnesota, has been assigned the following-described tract of land, viz:

South Half of the Northeast Quarter of the Southwest Quarter (S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$),

Section 28, Township 115 North, Range 22 West

in Scott County, Minnesota, containing 20 acres, more or less.

It is also certified that the said Norman Melvin Crooks and his heirs are entitled to immediate possession of said land, which is to be held in trust, by the Secretary of the Interior, for the exclusive use and benefit of the said Indian, so long as said allottee or his or her heirs occupy and use said land. If said land should be abandoned for 2 years by the allottee, then said land shall be subject to assignment by the Secretary of the Interior to some other Indian who was a resident of Minnesota May 20, 1886, or a legal descendant of such resident Indian.

It is also declared that this certificate is not transferable and that any sale, lease, transfer or incumbrance of said land, or any part thereof to any person or persons whomsoever, except it be to the United States, and as herein provided, is and will continue to be utterly void and of no effect. It is further declared that said land is exempt from levy, taxation, sale, or forfeiture, until otherwise provided by Congress.

IN WITNESS WHEREOF, I, ^{T. D. Hill, Acting} ~~W. H. Palmer~~, Superintendent, Minnesota Agency, Bureau of Indian Affairs, have hereto set my hand and caused the seal of this office to be hereto attached at the City of Bemidji, Minnesota, this 10th day of April 19 64.

Acting

T. D. Hill
Superintendent, Minnesota Agency
Bureau of Indian Affairs



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
4015 Wilson Boulevard
Arlington, Virginia 22203

IN REPLY REFER TO:

June 9, 1995

Memorandum

To: Administrative Judge Sandra L. Massetto

From: Barry E. Hill, Director

Subject: Membership in the Shakopee Mdewakanton Sioux (Dakota) Community in Minnesota

Pursuant to a request, dated June 2, 1995, from Secretary Babbitt, I am assigning you to take evidence and make blood degree determinations for approximately 63 individuals claiming membership in the Shakopee Mdewakanton Sioux (Dakota) Community in Minnesota.

Attached are the incoming request and related materials. When the case files are received, this office will docket them and assign them to you. The files will be forwarded to you at that time. As the Secretary noted, you should contact Barbara Coen, Department of the Interior, Office of the Solicitor, Division of Indian Affairs, 1849 C Street, N.W., MS: 6456, Washington, D.C. 20240, (202) 208-3401.

Attachment

cc: Barbara Coen, Office of the Solicitor



THE SECRETARY OF THE INTERIOR
WASHINGTON

Memorandum

JUN 2 1995

To: Director, Office of Hearings and Appeals

From: Secretary

Subject: Request for an Administrative Law Judge, Administrative Judge, or Hearing Examiner

I have received a request from the Assistant Secretary - Indian Affairs, for an administrative law judge, administrative judge, or hearing examiner to take evidence and make blood degree determinations for approximately 63 individuals claiming membership in the Shakopee Mdewakanton Sioux (Dakota) Community in Minnesota. Please assign an appropriate individual to act in accordance with the Assistant Secretary's request.

Attached are the instructions to be followed in making the determinations. Any questions regarding the instructions or determinations should be directed to the Department of the Interior, Office of the Solicitor, Division of Indian Affairs, 1849 C Street N.W., MS-6456, Washington, D.C. 20240, Attention Barbara Coen, (202) 208-3401.

Attachment

OFFICE OF HEARINGS & APPEALS

JUN 6 1995

DIRECTOR'S OFFICE

INSTRUCTIONS TO THE OFFICE OF HEARINGS AND APPEALS

The assistance of an Administrative Law Judge, Administrative Judge or Hearing Examiner is requested to determine who is eligible to vote in the Secretarial election authorized by the Deputy Commissioner, Indian Affairs, for the Shakopee Mdewakanton Sioux Community.

The Constitution of the Shakopee Mdewakanton Sioux Community defines membership in Article II, as follows:

Section 1. The membership of the Shakopee Mdewakanton Sioux Community shall consist of:

- (a) All persons of Mdewakanton Sioux Indian blood, not members of any other Indian tribe, band or group, whose names appear on the 1969 census roll of Mdewakanton Sioux residents of the Prior Lake Reservation, Minnesota, prepared specifically for the purpose of organizing the Shakopee Mdewakanton Sioux Community and approved by the Secretary of the Interior.
- (b) All children of at least one-fourth (1/4) degree Mdewakanton Sioux Indian blood born to an enrolled member of the Shakopee Mdewakanton Sioux Community.
- (c) All descendants of at least one-fourth (1/4) degree Mdewakanton Sioux Indian blood who can trace their Mdewakanton Sioux Indian blood to the Mdewakanton Sioux Indians who resided in Minnesota on May 20, 1886, Provided, they apply for membership and are found qualified by the governing body, and provided further, they are not enrolled as members of some other tribe.

The Bureau of Indian Affairs suggests the following guidelines for the judge or hearing examiner when determining blood degree and eligibility under the Community's Constitution.

1. The judge or hearing examiner should determine the blood quantum of 23 individuals¹ and determine which of these individuals qualify under either Section 1(b) or 1(c) of the Constitution. These determinations will be binding on those persons in lineal ascent or descent to these individuals.
2. The judge or hearing examiner should not review the blood degree of the 33 base enrollees who are listed on the 1969 census roll of the tribe who are enrolled in accordance with Section 1(a), unless necessary for determining the blood degree for those individuals listed in footnote 1. Blood degree is not a requirement under Section 1(a) of the Constitution.

¹Constance (Thomas) Borchert, Alisa M. Crooks, Cherie Crooks-Bathel, Nathan Crooks, Vance L. Crooks, Lance E. Crooks, Cynthia (Stade) Pickit, Tricia (Stade) Saba, Tracy (Stade) Roseth, Kenneth J. Thomas, Lawrence N. Thomas, Dean Brooks, Lonnie Allen Brooks, Todd Brooks, Wesley Brooks, Mary Jo Gustafson, Jay C. Hove, Tina M. Hove, Denise A. Prescott, Robert M. Prescott, Jr., Tania M. Prescott, Rose B. Prescott, and Julia Stuke.

Any November or December 1991 letter issued by the Minneapolis Area Director concerning the 33 individuals listed on the 1969 census roll is hereby retracted and not binding on the Department or individual. Notwithstanding this retraction, the judge or hearing examiner may review the information contained in the letters and accept or reject the information's accuracy for purposes of any determination required under paragraphs 1 or 3.

Any individual challenging the blood quantum findings on the March 7, 1980, approved per capita roll of the Shakopee Community must do so by a preponderance of the evidence. The hearing examiner or judge should recognize as Mdewakanton that Indian blood derived from [REDACTED]. The November and December 1991 letters issued by the Minneapolis Area Director affect blood degrees of individuals listed on this roll. The facts in these letters should be reviewed carefully, especially when a person's blood degree has been lowered. These letters were held in abeyance and therefore never finalized. The individual was not given a chance to properly exercise his appeal rights.

Upon completion of the fact finding for the listed 23 individuals, the hearing examiner shall:

- a. issue a proposed decision concerning the blood degree to the individual and the attorneys of record, if applicable;
- b. notify those persons in lineal ascent or descent from the person on whom there is a proposed finding so that they may submit comments and evidence;
- c. set a deadline for receiving comments and new evidence on the determinations from the individuals or the attorneys of record;
- d. consider these submissions and issue a determination.

The hearing examiner or judge should forward these determinations to the Assistant Secretary - Indian Affairs for approval. Once approved, the determinations will be final for the Department. The approved findings will be the basis for determining those individuals entitled to vote in the new Secretarial election. Upon approval, the determinations of the judge or hearing examiner will supersede the determinations in the November and December 1991 letters and will be binding on the individual, as well as those in direct lineal ascent or descent.

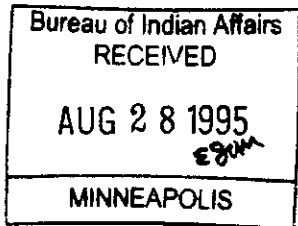
3. Once the appointed hearing examiner or judge has completed the recommended determinations on the 23 individuals, the hearing examiner or judge should review appeals from any of approximately 40 other letters issued by the Area Director in November and December 1991, previously held in abeyance, once the Department has notified the individuals of their appeal rights. The judge's or examiner's recommended determinations on any appeals should follow the same procedures set forth above and be forwarded to the Assistant Secretary - Indian Affairs for approval.



IN REPLY REFER TO:

United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
4015 Wilson Boulevard
Arlington, Virginia 22203



August 23, 1995

IN THE MATTER OF

SHAKOPEE MDEWAKANTON SIOUX
(DAKOTA) COMMUNITY OF
MINNESOTA

: Docket No. D 95-182
:
: Secretarial Election
:
: Court of Claims Docket 363
:
: Administrative Judge Appointed

NOTICE OF ASSIGNMENT AND DOCKETING

On April 19, 1995, the Department of the Interior (Department) conducted a Secretarial election on the proposed revision of the Constitution of the Shakopee Mdewakanton Sioux (Dakota) Community, in accordance with Title 25 Code of Federal Regulations, Part 81 (25 CFR Part 81). Pursuant to the Indian Reorganization Act of June 18, 1934, as amended, 25 U.S.C. § 476 (1994), the Secretary of the Interior had 45 days to approve or reject the proposed document. Challenges were filed with this Department pertaining to: (1) the accuracy of the voter list; (2) whether or not the proposed document was presented properly for a Secretarial election; and (3) allegations of electioneering at the poll site.

By letter, dated June 2, 1995, Ada Deer, Assistant Secretary - Indian Affairs, notified Denise Homer, Area Director, Minneapolis Area Office, Bureau of Indian Affairs, that:

As set forth below, the Department cannot approve the election results due to alleged irregularities in the determination of voter eligibility. A hearing examiner or administrative law judge will be appointed to determine the eligibility of twenty-three individuals who are challenged before me pursuant to 25 C.F.R. § 81.22. After a determination as to their eligibility is made, the Deputy Commissioner will call a new election. [1/]

1/ At the present, this matter concerns the blood quantum of 23 individuals. They are: "Constance (Thomas) Borchert, Alisa M. Crooks, Cherie Crooks-Bathel, Nathan Crooks, Vance L. Crooks, Lance E. Crooks, Cynthia (Stade) Pickit, Tricia (Stade) Saba, Tracy (Stade) Roseth, Kenneth J. Thomas, Lawrence N. Thomas, Dean Brooks, Lonnie Allen Brooks, Todd Brooks, Wesley Brooks, Mary Jo Gustafson, Jay C. Hove, Tina M. Hove, Denise A. Prescott, Robert M. Prescott, Jr., Tania M. Prescott, Rose B. Prescott, and Julia Stuke."

D 95-182

On June 2, 1995, Secretary of the Interior Bruce Babbitt notified the undersigned that:

I have received a request from the Assistant Secretary - Indian Affairs, for an administrative law judge, administrative judge, or hearing examiner to take evidence and make blood degree determinations for approximately 63 individuals claiming membership in the Shakopee Mdewakanton Sioux (Dakota) Community in Minnesota. Please assign an appropriate individual to act in accordance with the Assistant Secretary's request.

The approximately 63 individuals include the 23 unresolved challenges in the voter eligibility dispute and those individuals who appeal from letters originally issued in 1991 for purposes of a second distribution under Court of Claims Docket 363.

On June 9, 1995, the undersigned notified Administrative Judge Sandra L. Massetto that: "Pursuant to a request, dated June 2, 1995, from Secretary Babbitt, [REDACTED] take evidence and make blood degree determinations for approximately 63 individuals claiming membership in the Shakopee Mdewakanton Sioux (Dakota) Community in Minnesota." Judge Massetto was also informed that:

Attached are the incoming request and related materials. When the case files are received, this office will docket them and assign them to you. The files will be forwarded to you at that time. As the Secretary noted, you should contact Barbara Coen, Department of the Interior, Office of the Solicitor, Division of Indian Affairs, 1849 C Street, N.W., MS: 6456, Washington, D.C. 20240, (202) 208-3401.

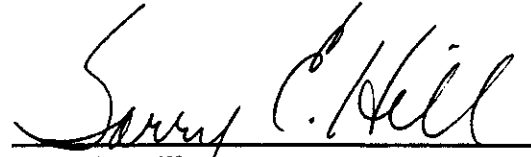
On July 12, 1995, Ms. Coen submitted the case files to this office.

This matter is hereby assigned to:

Administrative Judge Sandra L. Massetto
Office of Hearings and Appeals
U.S. Department of the Interior
2901 N. Central Ave., Suite 960
Phoenix, AZ 85012
PH: (602) 640-2622
FAX: (602) 640-2586

D 95-182

Please direct all pleadings, papers, and other documents relating to this matter to that office. Copies must be served upon all parties involved. Any and all arrangements for processing this matter should be made with Judge Massetto.



Barry E. Hill
Director

Distribution List

- Constance (Thomas) Bochart 15151 Dakota Trail North Prior Lake, MN 55372	Dean Brooks 13700 Thunderbird Circle Shakopee, MN 55379	Julia Stuke P.O. Box 171 Prior Lake, MN 55372
- Alicia M. Crooks 2390 Sioux Trail NW Prior Lake, MN 55372	Lonnie Allen Brooks 2597 Flandreau Trail Prior Lake, MN 55372	Stanley Crooks, Chairman Shakopee Mdewakanton Sioux Community 2330 Sioux Trail NW Prior Lake, MN 55372
- Cherie Crooks-Bathel 2370 Sioux Trail NW Prior Lake, MN 55372	Todd Brooks 2546 Flandreau Trail Prior Lake, MN 55372	Kurt BlueDog, Attorney BlueDog, Olson & Small Southgate Office Plaza Suite 670 5001 West 80th Street Bloomington, MN 55437
Nathan Crooks 2430 Sioux Trail NW Prior Lake, MN 55372	Wesley Brooks 2546 Flandreau Trail Prior Lake, MN 55372	James Cohen, Attorney 376 Grain Exchange Building 301 Fourth Avenue South Minneapolis, MN 55415
- Vance L. Crooks 14700 Mystic Lake Prior Lake, MN 55372	Mary Jo Gustafson 2711 Dakota Trail Prior Lake, MN 55372	Denise Homer, Area Director Bureau of Indian Affairs Minneapolis Area Office 331 South Second Avenue Minneapolis, MN 55401
- Lance E. Crooks 15233 Dakota Trail East Prior Lake, MN 55372	Jay C. Hove 2565 Flandreau Trail Prior Lake, MN 55372	Joann Sebastian Morris, Acting Director Office of Tribal Services Department of the Interior Bureau of Indian Affairs 1849 "C" Street NW - MS/4603/MIB Washington, D.C. 20240
- Cynthia (Stade) Pickit 14520 Mystic Lake Drive Prior Lake, MN 55372	Tina M. Hove 15130 Eagle Creek Avenue Prior Lake, MN 55372	Barbara Coen, Attorney Department of the Interior Office of the Solicitor Division of Indian Affairs 1849 "C" Street NW - MS/6456/MIB Washington, D.C. 20240
- Tricia (Stade) Saba 14526 Mystic Lake Drive Prior Lake, MN 55372	Denise A. Prescott 13733 Thunderbird Circle Shakopee, MN 55379	
Tracy (Stade) Roseth 14580 Mystic Lake Drive Prior Lake, MN 55372	Robert M. Prescott, Jr. 13692 Thunderbird Circle Shakopee, MN 55379	
- Kenneth J. Thomas 14670 Mystic Lake Drive Prior Lake, MN 55372	Tania M. Prescott 13692 Thunderbird Circle Shakopee, MN 55379	
Lawrence N. Thomas 13711 Thunderbird Circle Shakopee, MN 55379	Rose B. Prescott 13670 Thunderbird Circle Shakopee, MN 55379	